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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

IN THE MATTER OF:)	
)	
SAFETY- KLEEN (GRASSY MOUNTAIN),)	Docket Nos. TSCA- 8- 99-
03		
SAFETY- KLEEN (ARAGONITE),)	TSCA- 8- 99-
06		
SAFETY- KLEEN (CLIVE),)	TSCA- 8- 99-
08		
PPM, INC. , and)	TSCA- 8- 99-
09		
SAFETY- KLEEN (PPM, INC.))	TSCA- 8- 99-
12		
)	TSCA- 8- 09-
14		
)	TSCA- 8- 09-
15		
Respondents)	TSCA- 8- 99-
16		
)	TSCA- 8- 99-
17		
)	TSCA- 8- 99-
19		
)	TSCA- 8- 99-
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)	TSCA- 8- 99-
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)	TSCA- 8- 99-
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ORDER CONSOLIDATING RELATED ACTIONS

These proceedings were commenced by the filing of Complaints on July 27, 1999 (Docket Nos. TSCA-8-99-03, -06, -09, -12) and August 2, 1999 Docket Nos. TSCA-8-99-14, -15, -16, -17, -19, -20, -21, and -22) pursuant to Section 16, of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615, by the United States Environmental Protection Agency, Region 8, against the Respondents named above. Each Complaint alleges that the Respondent named therein violated Section 15 of TSCA, and a Federal regulation promulgated pursuant to TSCA governing Polychlorinated Biphenyls (PCBs), at 40 C.F.R. § 761.65(a), by failing to dispose of PCBs within one year of placement into storage for disposal. An Answer to each Complaint was submitted by the same counsel for each Respondent on August 13, 1999 (Docket Nos. TSCA-8-99-03, -09, and -12) or August 18, 1999 (Docket Nos. TSCA-8-99-06, -08, -14, -15, -16, -17, -19, -20, -21, and -22).

Each Complaint identifies the Respondent named therein as an owner/operator of a facility at a named location, alleges that the named Respondent failed to dispose of PCBs within one year of placement into storage for disposal, and proposes to assess a penalty of either \$1000 (Docket Nos. TSCA-8-99-03, -08, -09, -12, -14, -15, -16, -17, -20, -21, -22) or \$6,000 (Docket Nos. TSCA-8-99-06 and -19). The Answers filed in each of these proceedings are identical. The Respondents appear to be under common ownership of, or affiliated, with Safety-Kleen. The factual issue of whether PCBs were destroyed or disposed of more than one year after being removed for disposal is common to all of the Complaints.

The Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (the "Rules of Practice") (40 C.F.R. §22.1 et seq.), as revised, 64 Fed. Reg. 40176 (July 23, 1999), provide as follows at 40 C.F.R. § 22.12(a), in pertinent part:

The Presiding Officer ... may consolidate any or all matters at issue in two or more proceedings subject to these Consolidated Rules of Practice where:
there exist common parties or common issues of fact or law;
consolidation would expedite and simplify consideration of issues; and
consolidation would not adversely affect the rights of parties engaged in otherwise separate proceedings.

In these circumstances, it is concluded that consolidation is appropriate, as it will expedite and simplify consideration of the issues, and it does not appear that consolidation would result in prejudice to any of the parties.

Accordingly, the proceedings listed above are hereby consolidated pursuant to 40 C.F.R. § 22.12(a).



Susan L. Biro
Chief Administrative Law Judge

Dated: November 18, 1999
Washington, D.C.

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